

MCCC



News

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The Official Publication of the *Massachusetts Community College Council* / Volume 11, Issue 3 / December 2009

Union Files Lawsuit for Adjunct Health Insurance

By Sarah Nathan

The MTA, the Massachusetts Community College Council and five instructors have filed a lawsuit seeking to force the state to offer health insurance coverage to adjunct faculty members who teach multiple courses on different public higher education campuses.

The suit, filed in November in Suffolk Superior Court, would affect part-time instructors working at community and state colleges and the University of Massachusetts.

"We are taking legal action to right a wrong that has been overlooked for too long and get some much-needed relief for these faculty members," said MTA President Anne Wass. "This lawsuit is about investing in public higher education."

The unfair treatment of adjunct faculty members is well documented in Massachusetts and across the country. More than half of the undergraduate courses at public colleges are taught by

part-time faculty, many of whom teach at several institutions to patch together a living.

Despite their contributions to public higher education, these faculty members are paid by the course and not given health insurance benefits.

In the Massachusetts community college system, adjuncts are paid between \$2,535 and \$3,069 per three-credit course. Five courses per semester constitute a full teaching load at community colleges in the state.

The legal action addresses two separate fronts.

First, the suit alleges that the Commonwealth is erroneously refusing the faculty members access to the Group Insurance Commission, the state agency

that administers health care coverage for state employees. The plaintiffs argue that adjunct instructors meet the definition of part-time employee as outlined in state law and must be treated as such.

"These part-time instructors sacrifice and persist because they love their work," said MCCC President Joseph LeBlanc. "They persist in a challenging work environment, and wages are just one part of the problem."

"Despite the Commonwealth's groundbreaking 2006 law expanding access for Massachusetts residents to health insurance, these adjunct faculty members are given minimum pay for each course they teach and are then forced to pay hundreds of dollars each month for health insurance," he added.



MTA Staff Attorney Matt Jones, left, with two of the MCCC plaintiffs in the adjunct health insurance lawsuit, Betsy Smith and John Cipora. (Photo by Don Williams)

Proposed Bylaw Changes

The deadline for submitting proposed changes to the MCCC Bylaws and Standing Rules is no later than Feb. 2, 2010.

Proposals should be in printed format, double spaced (not hand written). They should include the following information:

- Rationale for the proposed change;
- Name of the maker of the proposal;
- Campus (or MCCC committee/group) of the member making the proposal.

Proposed changes should be sent to

Bob Gillies
6 Wheelock Street
Oxford, MA 01540-2110
Email: bobg@qcc.mass.edu ■

The MTA, the MCCC and the instructors are also alleging that the state has not implemented the part of the Massachusetts Health Care Reform Act that would provide assistance, in the form of pro-rated contributions, to faculty members who cannot get health insurance from the GIC and instead buy coverage through the Commonwealth Health Insurance Connector Authority. The authority, an independent state agency tasked with helping citizens secure health insurance, was created after the passage of the reform act, which established a system to require almost all individuals to obtain health insurance.

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DCE Contract Ratified Overwhelmingly

After over a year and a half of negotiations MCCC adjunct faculty have ratified a new collective bargaining agreement with a vote of 982 for and 139 against. The contract is with the Divisions of Continuing Education of all 15 Massachusetts community colleges.

The MCCC team began meeting early in 2008 and negotiations began before the contract expired. While the contract expired June 1, 2008, the previous team had negotiated an "outside year" in a Memorandum of Agreement that contained a 3 percent raise in September 2008 if a successor agreement had not been finalized.

The MCCC team set an ambitious agenda with the ultimate goal of bringing adjuncts parity with full-time faculty. Recognizing the steep road they faced under any circumstances and the difficult economic climate, the team was still determined not to back down.

Provisions of the new contract include equity in class size with the full-time faculty contract, which means eight fewer students per class. A new student evaluation form was created that clarifies questions and uses the same rating scale as the full-time faculty evaluation form. Joint union/management committees, similar to ones in the full-time contract, were established for each campus to discuss issues of importance for adjunct faculty.

Salary provisions included putting adjunct faculty on the same state payroll system as full-time employees, which means bi-weekly paychecks instead of three times per semester.

The Commonwealth of Massachusetts was holding all state unions to the same raises in four-year contracts that called for 0 percent in year one, and 1.5 percent, 3.5 percent and 3.5 percent in each successive year. If a contract in-

cluded step increases the raises were 0.5 percent less. The MCCC-DCE calls for the 0, 1.5, 3.5, and 3.5 percentages but to be paid out six months later.

The MCCC DCE Negotiating Team elected Diana Yohe (Bristol CC) as team chairperson and Richard Devine (Quinsigamond CC) as vice chairperson. The other members were Carole DuPont (Springfield Tech CC), Gail Guarino (Cape Cod CC), Patrick Lochelt (Northern Essex CC), Betsy Smith (Cape Cod CC), and Don Williams (North Shore CC). The MTA Consultant was Miles Stern, and MCCC President Joe LeBlanc and Vice President Donnie McGee were *ex officio* members.

During the negotiations the team suffered the untimely death of John Palmer of Quinsigamond Community College who had been chairperson on the previous DCE team and brought a wealth of experience to the team. ■

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Permit No. 82
Worcester, MA

MCCC Newsletter
27 Mechanic Street, Suite 104
Worcester, MA 01608-2402

The MCCC Legislative Internship Program: Connecting Students with Real World Politics



Donnie McGee,
SAC Chair &
MCCC Vice President

Over the past 7 years, the Massachusetts Community College Council has sponsored more than a dozen students as legislative interns in State House offices. This Legislative Internship Program is an opportunity for Massachusetts Community College students to connect academics with real world politics and earn academic credit at the same time.

MCCC students have worked at many State House offices, including those of Senator Joan Menard, Senator

Richard Tisei, Representative Steven D'Amico, and Representative Stephen Canessa. The internship allows students to learn firsthand about state government and encourages them to consider a career in government and politics. One of our former MCCC interns, Kate Miler, is now a Legislative Aide in the office of Representative Stephen Canessa's office. Another intern, Teresa Michael, indicated that her internship was a wonderful experience which furthered her "understanding of our state's legislative process" and provided her with "greater confidence in her own abilities."

Student interns are expected to spend a minimum of six weeks in their State House placement, with a suggested schedule of two days and twelve hours per week. However, schedules can be adjusted to suit the needs of both the

student and the office that interns them. A minimum of 72 hours is required overall. In-district placements are sometimes possible, though working in the State House typically provides a more comprehensive and interesting experience. The summer internship program is highly recommended, most comprehensive, and extremely popular. Students from private and public colleges meet for group training and attend seminars related to the legislative process and State House protocol.

The application process is simple. MCCC requirements parallel those of the Legislative Education Office (LEO): Students must have good writing skills, have a minimum GPA of 3.0, and be sponsored by an MCCC faculty or professional staff member. Sponsored students complete a one-page application and must provide a resume, college transcript, and recent writing sample. Application materials are available on the MCCC website at <http://mccc-union.org/>

The MCCC will sponsor up to four State House interns for the spring 2010 or summer 2010 semesters. The application deadlines are January 30, 2010, for the spring semester and March 1, 2010, for the summer program. Interested students should contact their cam-

pus cooperative education office as they may be able to earn academic credit for this experience. Selected students will receive a \$500 grant from the MCCC, which can be used to underwrite transportation costs and other expenses.

The MCCC Vice President will review applications, schedule interviews and select candidates. The LEO director or legislative office staff will interview selected student interns and assist in placing them in an appropriate internship. According to LEO Director Anne Reilly Ziaja, interns "perform numerous duties, including research projects, constituent service assignments, computerized bill tracking, attendance at hearings, and general office tasks." Students are placed appropriately within a system that monitors and supports each intern.

Current cutbacks in funding have caused staff layoffs, so a need exists for legislative interns. Faculty and advisors should encourage qualified students, especially those with an interest in law, paralegal studies or political science, to apply for this internship and the corresponding \$500 MCCC grant. The Legislative Internship Program has proven to be a win-win situation for the students and the offices where they serve. ■

Research Coordinator Keeps MCCC Informed



MCCC Research Coordinator Hilaire Jean-Gilles presented his fall report to the Board of Directors and President LeBlanc looks on. (Photo by Don Williams)

MCCC Research Coordinator Hilaire Jean-Gilles made his fall report to the Board of Directors at the November Meeting. This semester the focus was on enrollments and the numbers of full-time faculty and staff and the numbers of adjunct members.

The Research Coordinator takes in contractually required information from the 15 community colleges such as enrollment figures, the names of new hires with their classification forms, seniority lists, and payrolls. The coordinator processes this information and provides it in various forms to support activities of the Union.

He keeps statistics for each campus as well as for the MCCC as a whole. Chapters can use this information as they work on local issues where their campus may be out of sync with the others.

Besides contractually provided data Jean-Gilles conducts specific research as needed. He regularly searches other databases to keep track of the 10 comparison states from the Classification Study and how the MCCC salaries compare to the 75th percentile.

Grievance Coordinators Dennis Fitzgerald and Joe Rizzo use the contractual information to investigate trends and most importantly to support grievances.

MCCC Negotiating Teams have requested and received valuable information to support negotiations. Last year Jean-Gilles was able to gather data on what percentage of the income from DCE courses were used for DCE salaries, which gave the team an additional angle to pursue as they worked to bring negotiations to a positive resolution.

Researched data has also supported the MCCC's political agenda. Both President LeBlanc and Vice President McGee rely heavily on statistics when they communicate with legislators and education officials.

Having accurate, up to date, information empowers the MCCC at all levels. From lobbying legislative leaders, to communicating with the general public, to working on local chapter issues, the MCCC can support its positions with solid data due to the work of Jean-Gilles. ■

Union Files Lawsuit . . .

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"It's absurd," said John Cipora, who has served as an adjunct psychology and sociology instructor at Holyoke Community College since 2001 and is one of the plaintiffs in the case. "It's absurd that the state mandates health care for employers, but doesn't recognize us as employees."

"To have earned a doctorate and not be able to have health insurance is unbelievably unfair," Cipora said.

Another plaintiff, Patrick Lochelt, teaches more than a full course load at Northern Essex Community College and Middlesex Community College.

Lochelt noted that there are between 20 and 25 students in each of his classes and that in addition to actual instruction time, he spends about 20 hours a

week reviewing their work. Because he teaches writing classes and requires each student to write five essays, he estimates that he grades about 1,000 papers per semester.

Lochelt, who has been teaching in Massachusetts for five years, says he does it because he loves the work. He also believes that he meets the definition of a state worker under Massachusetts law, which clearly states that employees working 18.75 hours per week are eligible for health coverage.

"It's about fairness," Lochelt said. "I teach the amount that I do because I love the work, I like making a difference in the lives of my students, and it helps me to make the money that I need to live modestly. However, it is frustrating to give so much and get so little back in return."

Cynthia Duda, an adjunct English instructor at Bunker Hill Community College and North Shore Community College, said that being solely responsible for her health insurance is challenging year after year.

"I don't know how much longer I can go on like this," said Duda, who is also among the plaintiffs in the lawsuit.

"I'm 61, so my health insurance costs more because I'm older," added Duda, who has been working as an adjunct instructor since 1990. "I make less than half per course what a full-time person makes, and I wake up every morning worrying about the bills I have to pay. It takes an enormous toll in every way."

She also pointed to the reliance that colleges place on adjunct faculty to keep serving their many thousands of students.

"If the part-time teachers didn't show up, these schools would shut down," Duda said. ■



MTA Attorney Matt Jones explains details of the adjunct health insurance lawsuit to the MCCC Board of Directors.

(Photo by Don Williams)

Graduation Rates, Funding Goals: We're Not Yet Measuring Up



Joe LeBlanc,
MCCC President

America's colleges are being asked to produce the world's highest graduation rate by 2020. This goal will be tough to meet given troubling long-term trends in financing public higher education.

doubled and fees have skyrocketed. In our increasingly privatized system, poor and middle class students and their families fund record enrollments by paying higher fees.

Massachusetts and five other states provided less revenue per FTE to public higher education from 2003 to 2008. Florida is down by 1.2 percent, followed by Maryland (-1.4 percent), Michigan (-2.6 percent), Missouri (-2.9 percent) Massachusetts (-4.6 percent) and New Jersey (-9.8 percent). None of these dreary statistics will change Massachusetts' 49th in the nation ranking for state appropriations for higher education per \$1,000 in income.

Dwindling state support for public higher education hurts community colleges more than other sectors. State aid drops and our colleges can't make up for the difference with higher fees and more gifts, grants, contracts and other sources

of support. Students aren't being turned away, however. Adjuncts are hired right up to the last minute to teach an endless number of new courses.

Locally, our financial belts are already tightened, and data shows our colleges are being forced to cut from core services. Nationally, 45 percent of public two-year college expenditures were spent on instruction and 8 percent on scholarships compared to 40 percent and 6 percent in Massachusetts in 2007-2008.

Nationally, the percentage of full-time faculty has dropped from nearly 80 percent in 1970 to just over half that number today. Lees cites Delta Cost Project's data in tracking the decline in instructional costs as a percent of total costs across all the systems from 1995-2006: public research (-1.4 percent); public comprehensive (-3.1 percent); and public community college (-2.6 percent).

Measuring Up, The National Report Card on Higher Education (2008) cites intractable problems that must be addressed in this era of higher enrollments and funding cuts:

- achievement gaps in student performance according to family income, race and ethnicity;
- and inadequate college preparation, lack of access, lack of affordability, and mediocre graduation rates.

The report asserts that America's ranking in higher education has slipped in the last generation. The United States now ranks 7th in the world in the percent of

young adults enrolled in college, 15th in the number of certificates and degrees awarded per 100 students, and 10th in the percent of adults (25-34) holding an associate's degree or higher. Indicating past progress, American adults (35 to 64) rank second in the world with 39 percent holding an associates degree or higher. Canada tops the list at 44 percent.

Earlier this year, the President issued a call to action, saying the present situation is a "prescription for economic decline." His higher education funding bill awaits action in Congress.

For now, we are hoping Congress enacts a jobs bill in 2010 with another round of federal aid to the states. As the economy slowly recovers and state revenues increase in coming months, higher education funding must be a top priority in Washington and in Boston. Otherwise, performance gaps, persistence gaps and unacceptably high student borrowing rates will persist. College completion rates will founder.

Massachusetts, Connecticut, Maryland, New Jersey and Virginia earn an "A" grade in the Measuring Up analysis. They "measure up" as top performing states in educational achievement, and in providing economic, civic and adult skills benefits to their citizens. This good news should provide us with little comfort, however. As we lose educational ground with the rest of the developed world, we have much to do to transform the Commonwealth and our nation. ■

Call for Nominations

Raymond C. Lemieux Memorial Award

Purpose

The purpose of the award is to recognize an individual whose service, leadership, and dedication have contributed significantly to the Massachusetts Community College Council.

Nominee Eligibility

- To be eligible for this award, an individual must meet the following criteria:
- service to higher education and the labor movement in the quest for improved working conditions and high standards of professional excellence.
 - demonstration of leadership in MCCC and higher education.
 - exemplification of the concerned and caring approach of Raymond C. Lemieux, much of whose life was dedicated to the betterment of faculty and professional staff.

Who May Nominate

Any MCCC Board of Director or Chapter President may nominate by completing a nomination form which can be obtained from the MCCC.

Jon G. Butler Memorial Award

Purpose

The purpose of the award is to recognize the Chapter President(s) whose leadership, acts, or support have made a significant impact on MCCC unit members.

Nominee Qualifications

Individual nominees must be current MCCC Chapter Presidents.

Who May Nominate

Any chapter president may be nominated by petition of five or more of that chapter's members; a nomination form can be obtained from the MCCC.

Nomination Process

Nominations for both awards are due by Feb. 15. Nomination forms can be found on the MCCC web site <http://mccc-union.org> in the Documents link. ■

2010 MCCC Elections

Nominations are open for MCCC officers, AtLarge Directors, Delegates to the MTA Annual Meeting, and Delegates to the NEA-RA. Members can nominate themselves by mailing in the form found on page 4 of this or the December issue of the MCCC News or by submitting the electronic form through the website <http://mccc-union.org>.

Nominations will close at 4 p.m. Thursday, Feb. 4, 2010. Ballots will be mailed to all MCCC members on Feb 26. The deadline for returning ballots is 4 p.m. on Thursday, Mar. 25. Election results will be announced by Monday, Mar. 29.

MCCC President, Vice President, Treasurer, and Secretary

Candidates for these offices must submit signatures of 50 union members to submit with their nomination forms. They may be full- or part-time members, but they cannot be agency fee payers. The signature form is available on the MCCC website. Officer candidates will have the opportunity to submit a 250-word statement with an accompanying photo for the March issue of the MCCC News.

At-Large Part-time/ Adjunct Directors

These two new positions will be elected annually by the part-time/adjunct union members. Candidates will need to solicit signatures of 10 union members to submit with their nomination forms. They may be full- or part-time members, but they cannot be agency fee payers. The signature form is available on the MCCC website. Director candidates will have the opportunity to submit a 250-word

statement with an accompanying photo for the March issue of the MCCC News.

Delegates to the MTA Annual Meeting

- **Stipend:** The MCCC provides a stipend of \$50 dollars per day to delegates who attend the meeting.
- **Hotel Room:** Delegates who are on the ballot and who live more than 25 miles from the meeting are entitled to a double occupancy hotel room at the convention hotel, arranged by the MCCC, for Friday night. Write-in candidates will be accommodated on a space-available basis.

Election Waiver for Candidates for MCCC Delegate to the MTA Annual Meeting

If the number of certified candidates for MTA delegate is less than or equal to the number permitted, then those candidates are deemed elected. A ballot process will be conducted to permit write-in candidates for non-filled slots and to be named as successor delegates.

**MTA Annual Meeting
Friday, May 7 and
Saturday, May 8, 2010
Boston, MA**

Delegates to the NEA Rep. Assembly

The MTA provides a stipend of \$300. The MCCC provides additional reimbursement support of \$800 to the top 15 candidates. MCCC reimbursement requires receipts and proof of conference attendance as provided by the MTA.

**NEA-RA and Annual Meeting
July 1 - July 6, 2010
New Orleans, LA**

Write Us



The MCCC News welcomes contributions.

Letters to the Editor

Only submissions by MCCC unit members will be accepted. Letters should be no more than 200 words in length. The author must include name and chapter affiliation, which will be published with the letter. Authors must provide the editor with contact information in the form of either email address, mailing address or telephone number. Letters will be published on a space available basis and may be edited for length and appropriateness. Not all submissions can be published.

Guest Columns

Guest Columns should be no more than 400 words in length. Columns by authors who are not MCCC members may be accepted. The author's name and affiliation will be published with the column.

Mail to: Donald Williams
North Shore Community College
One Ferncroft Road
Danvers, MA 01923
Or email:
Communications@mccc-union.org
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